
**Technology, Energy & Communications
Committee**

HB 1996

Brief Description: Concerning the ability to locate underground facilities.

Sponsors: Representatives Armstrong and Eddy.

Brief Summary of Bill

- Provides that an underground facility owner who is required to subscribe to the one-number locator service and fails to do so is liable for all damages to the owner's underground facilities.
- Provides penalties if an owner of an underground facility located within a one-number locator service area does not subscribe to the one-number locator service.

Hearing Date: 2/18/09

Staff: Scott Richards (786-7156)

Background:

One-Number Locator Service.

In 2000 the Legislature enacted a range of policies to implement certain recommendations made by the Governor's Fuel Accident Prevention and Response Task Force, including the one-number locator service.

Under current law, a single statewide telephone number exists for referring excavators to the appropriate one-number locator service. A one-number locator service is operated by non-governmental entities and is a means by which a person can notify utilities of excavation and request field marking of underground facilities. In general, a one-number locator service receives requests for the location of buried utility facilities and relays those requests to member utilities and governmental agencies. The Washington Utilities and Transportation Commission, in consultation with the Washington Utilities Coordinating Council, established minimum

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standards and best management practices for one-number services.

Before conducting any excavation, excluding agricultural tilling less than 12 inches in depth, a person must notify pipeline companies of the scheduled excavation through the one-number locator service. Notification must occur in a window of not less than two business days but not more than 10 business days before beginning the excavation. If a pipeline company is notified that excavation work will occur near a pipeline, a representative of the company must consult with the excavator on-site prior to excavation.

A civil penalty of not more than \$10,000 applies when a person fails to notify the one-number locator service and causes damage to a hazardous liquid or gas pipeline.

Punishment for a Misdemeanor Offense.

The statutory punishment for a person convicted of a misdemeanor is imprisonment in the county jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both imprisonment and a fine.

Summary of Bill:

An underground facility owner who is required to subscribe to the one-number locator service and fails to do so is liable for all damages to the owner's underground facilities and for any other damages that occur as a result of proper notice of a scheduled excavation through the one-number locator service.

The owner of the underground facility must promptly notify the one-number locator service when the owner of the underground facility has fulfilled its obligations to properly mark the location of underground facilities. The notification may be made available by any means including, but not limited to, telephonic communication, voicemail, e-mail, text messaging, or internet or web-based communication protocol.

Upon receiving the notification from affected underground facility owners, the one-number locator service must promptly make the information available to the excavator that the affected underground facility owners have fulfilled their obligations. The information may be made available by any means including, but not limited to, telephonic communication, voicemail, e-mail, text messaging, or internet or web-based communication protocol.

Provisions are removed that exempted an owner of underground facilities from indicating the presence of existing service laterals or appurtenances if the presence of existing service laterals or appurtenances on the site of the construction project can be determined from the presence of other visible facilities, such as buildings, manholes, or meter and junction boxes on or adjacent to the construction site.

The definition of "underground facility" is modified to include service laterals as one of the items buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, and hazardous liquids. "Service lateral" is defined as an individual customer service line providing connection or conveyance to or from one or more building units to an underground facility.

Failure to Subscribe to the One-Number Locator Service

An owner of an underground facility located within a one-number locator service area that does not subscribe to the one-number locator service is guilty of a misdemeanor.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.